

02-6

Federal Communications
Commission

APPEAL to FCC

JUN 25 2019

Office of the Secretary

Re:
 BEN: 220670
 FCC Form 471: 919209
 FRN # 2508347, 2514710, 2514735, 2514765, 2514782, 2514941, 2515024

To Whom It May Concern,

DOCKET FILE COPY ORIGINAL

We are appealing the denial of our appeal to the USAC regarding the above referenced FRNs.

Our funding requests numbers 2508347, 2514735 and 2514941 were reduced from 12 months to 10.

Our funding requests numbers 2514710, 2514765, 2514782 and 2515024 were reduced from 12 months to 3.

Our PIA reviewer was trying to determine how many sites we have. We responded that "We have two campuses... The Queens campus is used from September through June and our students move to the Andes campus during June through August" which indicated the typical use of our sites, our response referenced the actual classroom time at each location. Although we repeatedly informed the reviewer that the service is needed and used prior to and subsequent to the school year they reduced the funding in our application to the period of time equaling the student school year.

The services requested should be eligible, as they are not "Duplicative services - services that deliver the same functionality to the same population in the same location....". They are for two distinct locations. Each location must have overlapping time for the teachers to prepare and close out the school year etc.

In addition, the phone company has a minimum service requirement and would not service the school just for a two-three month period. Also, to close down the phones for two months a year would be impossible and not cost effective (we would also lose our numbers which are known to the parents and students etc.)

We therefore request that:

- 1- Our funding requests numbers 2508347, 2514735 and 2514941 be restored to 12 months.
- 2- Our funding requests numbers 2514710, 2514765, 2514782 and 2515024 should be funded for 5 months.

Sincerely,
 Yehuda Steinmetz

Received & Inspected

JUN 30 2014

FCC Mail Room

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 Contact Information:
 Yehuda Steinmetz
 Mirdrash L'man Achai
 4429 18th Ave
 Brooklyn, NY 11204
 718.436.8255 x 103 or
 845.676.3996 ex 101
 Fax: 718.438.6636
midrashlmanachai@gmail.com

No. of Copies rec'd 041
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Please see attachments

Appeal to USAC

Re:

Midrash L'man Achai

BEN: 220670

FCC Form 471: 919209

FRN # 2508347 10

FRN # 2514710 3

FRN # 2514735 10

FRN # 2514765 3

FRN # 2514782 3

FRN # 2514941 10

FRN # 2515024 3

Our funding requests numbers 2508347, 2514735 and 2514941 were reduced from 12 months to 10.

Our funding requests numbers 2514710, 2514765, 2514782 and 2515024 were reduced from 12 months to 3.

Our PIA reviewer was trying to determine how many sites we have. We responded that "We have two campuses... the Queens campus is used from September through June and our students move to the Andes campus during June through August", this answer describes the actual classroom time at each location. Although we repeatedly informed the reviewer that the service is needed and used prior to and subsequent to the school year (classroom time), which she never acknowledged, they reduced the funding in our application to the period of time equaling the classroom time only. Please see attached supporting documentation showing that we informed the reviewer of the appropriate period of time the funding was needed and why it was needed.

We therefore request that:

1- Our funding requests numbers 2508347, 2514735 and 2514941 be restored to 12 months.

2- Our funding requests numbers 2514710, 2514765, 2514782 and 2515024 should be funded for 5 months.

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Contact Information:

Yehuda Steinmetz

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JUN 30 2014

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Yehuda Steinmetz <Imanachai@gmail.com>

Erate app #919209

Yehuda Steinmetz <MidrashLmanAchai@gmail.com>

Wed, Feb 5, 2014 at 11:44 AM

To: "James, SarahAnn" <SarahAnn.JAMES@sl.universalservice.org>

SarahAnn,

As previously indicated, the phone lines can not be shut down for two months of the year. Also, the phone lines are needed for the full 12 months as staff are working during those two months etc.

If there is any additional information need please advise, thanks much.

Thanks much

[Quoted text hidden]

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Yehuda Steinmetz
Midrash L'man Achai
718.544.4875 x 103
Fax: 718.438.6636

*Received & Inspected**JUN 30 2014**FCC Mail Room*



Yehuda Steinmetz <Imanachai@gmail.com>

Erate app #919209

Yehuda Steinmetz <MidrashLmanAchai@gmail.com>

Fri, Dec 20, 2013 at 8:57 AM

To: "James, SarahAnn" <SarahAnn.JAMES@sl.universalservice.org>

SarahAnn,

Midrash L'man Achai's main entity number (BEN) is 220670 (MIDRASH L'MAN ACHAI-1), which is our administrative offices.

Midrash L'man Achai has a 12 month school year school. We have two campuses, one in Queens, New York which is entity number 16027277 (MIDRASH L'MAN ACHAI-2) and one in Andes, New York which is entity number 16027278 (MIDRASH L'MAN ACHAI-3). The Queens campus is used from September through June and our students move to the Andes campus during June through August.

Both of our campuses are conventional educational facilities meeting the definition as shown in the eligibility section of the SLD website:

A secondary school is a non-profit institutional day or residential school, including a public secondary charter school, that provides secondary education, as determined under state law, except that such term does not include any education beyond grade 12.

If you have any additional question or need additional information please let me know.

Thanks much,

[Quoted text hidden]

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JUN 30 2014

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Yehuda Steinmetz <Imanachai@gmail.com>

Erate app #919209

Yehuda Steinmetz <MidrashLmanAchai@gmail.com>

Fri, Jan 24, 2014 at 10:56 AM

To: "James, SarahAnn" <SarahAnn.JAMES@sl.universalservice.org>

SarahAnn,

Issue 1

FRN 919209 the phone lines can not be shut down for two months of the year. Also, the phone lines are needed for the full 12 months as staff are working during those two months etc.

Issue 2

FRNs 2514710, 2514765, 2514782, 2515024 most of the phone lines are shut during the winter. The phone company has a five month minimum billing policy for all lines. We need at least one line open all year round to help set up and communicate with students and parent etc. the DSL lines are opened a while before and after the season in order to get the facilities up and running etc.

Issue 3

I am not sure as to what splinting you are referring to.

If there is any additional information need please advise, thanks much.

[Quoted text hidden]

—
Yehuda Steinmetz
Midrash L'man Achai
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Fax: 718.438.6636

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JUN 30 2014

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Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2013-2014

April 28, 2014

Received & Inspected

Yehuda Steinmetz
Midrash L'man Achai-1
4429 18th Ave
Brooklyn, NY 11204

JUN 30 2014

FCC Mail Room

Re: Applicant Name: MIDRASH L'MAN ACHAI-1
Billed Entity Number: 220670
Form 471 Application Number: 919209
Funding Request Number(s): 2508374, 2514710, 2514735, 2514765, 2514782,
2514941, 2515024
Your Correspondence Dated: April 08, 2014

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2013 Funding Commitment Decision Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 2508374, 2514710, 2514735, 2514765, 2514782,
2514941, 2515024

Decision on Appeal: **Denied**

Explanation:

- Your FCC Form 471 application included costs for the following ineligible services: "Duplicative services - services that deliver the same functionality to the same population in the same location during the same period of time." Duplicative services were requested between the two campuses, Midrash L'man Achai-2, 16067277 and Midrash L'man Achai-3, 16067278, for the same time period during the year-round schooling when the student population was transferred from one site to the other. Accordingly, your funding requests were adjusted in accordance with USAC's determination. In your appeal, you did not show that USAC's determination was incorrect. Consequently, your appeal is denied.

- FCC rules provide that funding may be approved only for eligible products and services. *See* 47 C.F.R. secs. 54.502. The USAC website contains a list of eligible products and services. *See* Eligible Services List posted in the Reference Area of the SLD section of the USAC website. FCC rules further require that if 30% or more of the applicant's funding request includes ineligible products and/or services, then the funding request must be denied, otherwise the funding request will be reduced accordingly. *See* 47 C.F.R. sec. 54.504(b). The FCC's Aiken County Public Schools Order directed USAC to permit the applicant 15 calendar days from the date of receipt of notice in writing by USAC to revise its funding request to remove the ineligible services or allow the applicant to provide additional documentation to show why the services are eligible. *See* Requests for Review of the Decisions of the Universal Service Administrator by Aiken County Public Schools, Aiken, South Carolina, et al., Schools and Libraries Universal Service Support Mechanism, File Nos. SLD-397612, et al., CC Docket No. 02-6, Order, 22 FCC Rcd 8735, FCC 07-61 para. 11 (May 8, 2007).

Since your appeal was denied in full, dismissed or cancelled, you may file an appeal with the FCC. Your appeal must be postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found under the Reference Area/"Appeals" of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company

Received & Inspected

JUN 30 2014

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